

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

JAMES MACARAGES,)
)
Plaintiff,)
)
vs.) CIV-09-1270-D
)
MICHAEL J. ASTRUE, Commissioner,)
Social Security Administration,)
)
Defendant.)

ORDER

Plaintiff brought this action pursuant to 42 U.S.C. §405(g) for review of the Commissioner of Social Security Administration's decision denying Plaintiff's application for benefits. The matter was referred to United States Magistrate Judge Robert E. Bacharach for initial proceedings in accordance with 28 U.S.C. §636 (b)(1)(B). The parties fully briefed their respective positions and, on August 23, 2010, Judge Bacharach filed a Report and Recommendation [Doc. No. 18] in which he recommended that the Commissioner's decision be reversed and that the matter be remanded for further proceedings.

In the Report and Recommendation, the Magistrate Judge advised the parties of their right to file objections to the same; he scheduled a September 9, 2010 deadline for filing such objections. The Magistrate Judge also expressly cautioned the parties that a failure to object to the Report and Recommendation would constitute a waiver of the right to appeal the findings and conclusions contained therein. The deadline for filing objections has expired, and neither party has filed objections or sought an extension of time in which to do so.

Accordingly, the Report and Recommendation [Doc. No. 18] is adopted as though fully set forth herein. For the reasons set forth in the Report and Recommendation, the decision of the

Commissioner denying Plaintiff's application for benefits is REVERSED and this matter is REMANDED for further proceedings consistent with the findings set forth in the Report and Recommendation.

IT IS SO ORDERED this 21st day of September, 2010.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE

